



**Todd & Weld**LLP

Howard M. Cooper  
E-mail: hcooper@toddweld.com

**VIA ECF**

November 2, 2021

Honorable Loretta A. Preska  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007-1312

**Re: *Giuffre v. Dershowitz*, Case No.: 19-cv-03377-LAP  
Supplemental Filing re: ECF No. 297**

Your Honor:

Defendant Alan Dershowitz (“Prof. Dershowitz”) respectfully makes this brief submission in order to supplement the record with regard to his Motion to Compel Production of Certain Attorney-Client Communications on the Basis of Waiver, Or, In the Alternative, Request for *Zolin* Examination (ECF No. 297).

In support of his pending request that the Court conduct an *in camera* examination pursuant to *United States v. Zolin*, 491 U.S. 554 (1989), in order to determine whether the crime-fraud exception applies to certain communications between Plaintiff and her attorneys, Prof. Dershowitz put forth extensive evidence that Plaintiff and her former attorneys made the decision to falsely accuse Prof. Dershowitz as part of a plot to extort Leslie Wexner. *See* ECF No. 298 at 16-17. That evidence included statements Plaintiff made to her former best friend, Rebecca Boylan. *Id.* Prof. Dershowitz through his counsel recently took the video trial depositions of Ms. Boylan and her husband Michael Spallholtz on October 18, 2021. Prof. Dershowitz hereby supplements the record with their testimony.

Mr. Spallholtz testified that Plaintiff unambiguously told him in 2015 that Prof. Dershowitz “wasn’t involved,” that “she’s never seen him do anything,” and that “she felt manipulated by her lawyers . . . to go after [him].” **Exhibit A**, Spallholtz Dep. at pp. 21, 18. Ms. Boylan testified that although Plaintiff was her best friend during the time Plaintiff spent with Epstein, Plaintiff never mentioned having met Alan Dershowitz or Leslie Wexner or being forced to have sex with either of them. **Exhibit B**, Boylan Dep. at pp. 19-22. Years later, Plaintiff told Ms. Boylan that she and her lawyers were “going after” Leslie Wexner and others in Epstein’s “inner circle” for “a lot of money” and was going to “make all of them pay.” *Id.* at 30-32. At the same time, Plaintiff still never suggested to Ms. Boylan that she had actually had sex with Wexner. *Id.* at 35. Plaintiff also told Ms. Boylan that she “never wanted to go after Alan,” that “she had felt pressured by her lawyers to go after Alan,” *id.* at 38, and that she never told Ms. Boylan (at any time) that she had ever met – much less had sex with – Professor Dershowitz. *Id.* at 43. Plaintiff’s husband separately confided in Ms. Boylan that Plaintiff’s then-lawyers were “pressuring [her] to go after all these people” and Ms. Boylan got the impression that “she was kind of getting in over her head with all of it.” *Id.* at 39. Relevant excerpts from this testimony are attached at Exhibits A and B and set forth below:



**Todd & Weld** LLP

Hon. Loretta A. Preska  
November 2, 2021  
Page 2 of 8

Q. What did you tell Professor Dershowitz about whether the allegations -- your view of the allegations?

A. Just that, like I had said, that **Virginia had said she's never seen Alan do anything** or anything like -- they actually said, I want to say that she might not have even met him. I can't -- I'm not a hundred percent. You know, it was something along those lines but that **he didn't do anything, that she felt manipulated by her lawyers that, for her to go after Alan.**

(Spallholtz Dep. 18:4-18:13 [emphasis supplied])

Q. So, you actually heard Virginia Giuffre make that statement, those statements in substance.

A. Yeah.

(Spallholtz Dep. 18:17-18:19)

Q. In substance, what did she tell you about Alan Dershowitz?

A. **That he wasn't involved. That she'd never seen him do anything.** And I, I want to say -- I don't want to, I don't want to say a hundred percent, I want to say she never even met him before.

(Spallholtz Dep. 21:4-21:9 [emphasis supplied])

Q. Now, during the period of time that the two of you fell out of touch in some point in 2002.

A. Mhm.

Q. Did she ever tell you that she was being abused by anyone?

A. No.



**Todd & Weld** LLP

Hon. Loretta A. Preska  
November 2, 2021  
Page 3 of 8

Q. Did she ever tell you that she was being forced to have sex with anybody?

A. No, never.

Q. Did she ever tell you or ever bring up the name Alan Dershowitz to you?

A. No, never.

Q. Did she ever claim to you during that period of time to be a victim of anybody?

A. No.

(Boylan Dep. 19:22-20:11)

Q. Before you lost touch with her.

A. Okay.

Q. Did she ever mention to you a gentleman by the name of Leslie Wexner?

A. No.

Q. Or tell you that she had been forced to have sex with Mr. Wexner?

A. No.

Q. Did she say anything about having met the owner of a company called Victoria's Secret?

A. Not at that time?

Q. Or Limited Too?

A. No.

Q. So, as I understand it, by the time that had lost touch with Ms. Giuffre in 2002, she had never mentioned Mr. Dershowitz, she had never mentioned Mr. Wexner,



**Todd & Weld** LLP

Hon. Loretta A. Preska  
November 2, 2021  
Page 4 of 8

and had never claimed to be a victim. Correct?

A. Yes, correct.

(Boylan Dep. 22:12-23:4)

Q. And did she tell you what it was that she was looking for in going after Mr. Epstein and his ring?

A. Yes, she did.

Q. And what did she say?

A. She said that she was going to make all of them pay. She was going to make all the monsters pay, was pretty much as she said it.

Q. Pay money?

A. Yes.

Q. So, she told you she was doing this for money?

A. In so many words, yes.

(Boylan Dep. 30:12-30:22)

Q. Now, I want to focus on the time period now after the two of you were back in touch.

A. Okay.

Q. Did Ms. Giuffre mention anything to you about a rich guy in Ohio?

A. She mentioned to me about a, I don't remember Ohio, but a man that owned Victoria's Secret, Limited Too, these, you know, clothing stores.

Q. And what did she say?



**Todd & Weld** LLP

Hon. Loretta A. Preska  
November 2, 2021  
Page 5 of 8

A. That he had lots of money, and they were going to be going after him, and it would be a lot of money

Q. On how many occasions did she say that to you?

A. I could say for sure at least two times, for sure.

(Boylan Dep. 30:23-31:23)

Q. Did she tell you why she was going after him or on what basis?

A. Not exactly, no. That he was one of Jeffrey's, you know, inner circle. You know, one of his, I don't know what you want to call it, what you call them.

Q. What's important here is your memory. What you understood.

A. One of Jeffrey's, you know, guys that he would lend girls out to.

Q. And did she leave you with the impression that she had been lent out to Mr. Wexner?

A. No.

(Boylan Dep. 32:12-32:24)

Q. And during the time when she was telling you about it, after the two of you had reconnected, she never suggested to you that she had had sex with Mr.

Wexner, did she?

A. No, she did not.

(Boylan Dep. 35:21-35:25)

Q. What did she say to you?



**Todd & Weld** LLP

Hon. Loretta A. Preska  
November 2, 2021  
Page 6 of 8

A. She said that I never wanted to go after Alan.  
That she had felt pressured by her lawyers to go after Alan.

(Boylan Dep. 38:3-38:6)

Q. Now, as of the time she said this to you, she had never told you that she had sex with Alan Dershowitz, had she?

A. No, she never had.

Q. And she never told you she had even met him. Correct?

A. Correct, yes.

Q. On how many occasions to the best of your memory did she tell you that she hadn't wanted to go after Alan Dershowitz, but her lawyers pressured her?

A. How many occasions? I would say two occasions.

(Boylan Dep. 38:17-39:4)

Q. And what was your reaction to hearing what she said, if any?

A. I kind, to her? I can't remember, to be honest. I do remember, I feel like things, I do remember things getting heated with her and Robbie about it. I feel like they were fighting a lot when it came to like what was going on with all the lawyers. I actually had a conversation with Robbie at one point over the phone. He was getting very frustrated and just wanted to go back home and was saying that, you know, that the same thing, that, you know, he felt that they were pressuring Virginia to go after all these people, and it was just. My impression was she was kind of getting in over her head with all of it.

(Boylan Dep. 39:10-39:23)



**Todd & Weld** LLP

Hon. Loretta A. Preska  
November 2, 2021  
Page 7 of 8

Q. Did Ms. Giuffre ever describe to you that she had sex with Professor Dershowitz?

A. No, never.

Q. Did she ever describe to you that she had even met Mr. Dershowitz?

A. No.

Q. And this was even after the two of you were back in touch.

Right?

A. Yes. Mhm.

Q. And so you simply learned that she was making these allegations against him that you had never heard from her?

A. Yes.

Q. Your dear friend?

A. Yes, I never, never heard from her say anything about Alan when we were kids. The only time I heard about is when the media broke, so that's about it.

(Boylan Dep. 43:3-43:20)

Efforts by Plaintiff's counsel to cross-examine these witnesses by suggesting that they were making these statements for financial gain were highly unsuccessful, and only elicited further testimony that they have neither been paid nor promised anything by anyone, and that they came forward voluntarily in order to do the right thing because they believe Ms. Giuffre is lying about Professor Dershowitz based upon her own words. See **Ex. A**, Spallholtz Dep. at 58:16-59:24; **Ex. B**, Boylan Dep. at 119:10-120:9.



**Todd&Weld**LLP

Hon. Loretta A. Preska  
November 2, 2021  
Page 8 of 8

Respectfully submitted,

/s/ Howard M. Cooper  
Howard M. Cooper

cc: All counsel of record, via ECF